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TELEPHONE (650) 812-3400 • FACSIMILE (650) 812-3444**FACSIMILE COVER SHEET**

**TO:** **KERRI M. ROSE**  
**ART. UNIT: 2616**  
**U.S. PATENT & TRADEMARK OFFICE**  
**571-273-0542**

**FAX NUMBER:**

**FROM:** **ROBERT D. HAYDEN**  
**FAX NUMBER:** **650-812-3444**  
**PHONE NUMBER:** **650-812-3440**

**DATE:** **JUNE 4, 2007**

**TOTAL PAGES:** 4 (INCLUDING COVER SHEET)

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I hereby certify that this paper is being sent via facsimile to Kerri M. Rose, Article Unit 2616 of the United States Patent and Trademark Office at fax no. 571-273-0542 on June 4, 2007.

  
Robert D. Hayden, Reg. No. 42,645**Message:**

Please see attached Terminal Disclaimer for U.S. patent application number 09/993,104 (our reference PA2073US).

{00240221v1}

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## WRITER'S DIRECT DIAL NUMBER

(650) 812-3444  
RHayden@carrferrell.com

June 4, 2007

## Via Facsimile Only at 571-273-0542

Examiner Kerri M. Rose  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313

Re: U.S. Patent Application No. 09/993,104  
Title: System and Method for Dynamically Changing Error  
Algorithm Redundancy Levels  
Filed: November 6, 2001  
Our Ref: PA2073US

Dear Examiner Rose:

Per our earlier discussion, please disregard the previous *Terminal Disclaimer* filed on May 25, 2007, listing an incorrect patent, and enter the attached *Terminal Disclaimer*. It is our understanding that no further fees are due at this time.

Thank you for your assistance. Please do not hesitate to contact me with any questions.

Sincerely,



Robert D. Hayden

RDH:dcw  
Encl.: Terminal Disclaimer

{00241430v1}

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2200 GENG ROAD, PALO ALTO, CALIFORNIA 94303  
TELEPHONE (650) 812-3400, FACSIMILE (650) 812-3444  
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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

09/993,104

Filing Date

November 6, 2001

First Named Inventor

Mike Vargo

Art Unit

2616

Examiner Name

Kerri M. Rose

Attorney Docket Number

PA2073US

**RECEIVED  
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Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

Letter to Examiner regarding no fee.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Carr &amp; Ferrell LLP

Cust. No. 22830

Signature

Printed name

Robert D. Hayden

Date

June 4, 2007

Reg. No.

42,645

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Robert D. Hayden, Reg. No. 42,645

Date

June 4, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
PA2073US

In re Application of: Mike Vargo et al.

Application No.: 09/993,104

Filed: November 6, 2001

For: **System and Method for Dynamically Changing Error Algorithm Redundancy Levels**

The owner\*, Verso Technologies, Inc.

of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,167,080 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 42,645

Signature

June 4, 2007  
DateRobert D. Hayden, Reg. No. 42,645  
Typed or printed name650.812.3400  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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